

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23969 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- KARAHGAR District- Rohtas

RAM AWTAR GUPTA @ RAMAVATAR GUPTA Son of Late Sita Ram
Gupta, resident of village Barahari, P.S. Kargahar, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Kargahar P.S. Case No. 82 of 2020 for the offence punishable under Section 7 of the E.C. Act.

The case of the prosecution in brief is that on the alleged date and time of occurrence, enquiry was conducted in the P.D.S. shop of the petitioner and upon the petitioner being asked to provide stock register and sales register for the purposes of verification, the same was not produced and upon



the stock being checked, the informant found that huge quantity of rice and wheat were disproportionately short, as compared to the actual balance which should have been present in the shop of the petitioner. The informant is stated to have alleged that several other irregularities were also found in the P.D.S. shop of the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is 63 years old person, has been operating the aforesaid P.D.S. shop since several years and if at all there is any discrepancy, the P.D.S. licence of the petitioner shall be cancelled, however, there is no criminality in the alleged occurrence. It is further submitted that the petitioner undertakes to co-operate with the investigation and the ensuing trial, if any.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the



petitioner is having a clean antecedent and in case any discrepancy has been found in the stock of the P.D.S. shop of the petitioner or even otherwise, the P.D.S. licence of the petitioner is liable to be cancelled, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned SDJM, Rohtas at Sasaram, in connection with Kargahar P.S. Case No. 82 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P. C..

(Mohit Kumar Shah, J)

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